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October 20, 2024

BY ECF

Honorable Barbara C. Moses
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *Gary Griffin v. City of New York, et al.*,
21-CV-8247 (DLC) (BCM)

Your Honor:

I am the attorney in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, representing defendant City of New York ("City"). The City writes to respectfully request that Your Honor adjourn the settlement conference currently scheduled for October 22, 2024, preferably until December 10, 2024¹. *See* Civil Docket Entry No. 92. Plaintiff's counsel and co-defendants' counsel consent to this request. This is the second such request for an adjournment; the previous request was also granted.

By way of background, plaintiff alleges that, on December 15, 2018, he was at the Jacobi Medical Center Emergency Room and was physically restrained by members of hospital staff, including hospital police, as well as unidentified NYPD police officers. Plaintiff further claims that he was forced to undergo unwanted medical treatment and was prevented from leaving the hospital. Plaintiff brings federal claims for excessive force, unreasonable seizure, a *Monell* claim, and various related state law claims against all defendants. *See* Civil Docket Entry No. 65.

The instant adjournment is required because additional steps must be taken before defendant City can finalize its position on authority in advance of a settlement conference. While

¹ Upon information and belief, December 10, 2024 is a date that Court and counsel are available.

significant progress has been made since the last request, the undersigned has been out of the office attending to a family medical situation since October 10, 2024 leading to a delay.

Accordingly, and with counsel's consent, defendant City respectfully, and regretfully requests that Your Honor briefly adjourn the settlement conference currently scheduled for October 22, 2024, preferably until December 10, 2024.

Thank you for your consideration herein.

Respectfully submitted,

KellyAnne Holohan /s/

KellyAnne Holohan
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **BY ECF**
All counsel of record

Application GRANTED. The settlement conference previously scheduled for October 22, 2024, is hereby ADJOURNED to **December 10, 2024, at 2:15 p.m.**, in Courtroom 20A, 500 Pearl Street, New York, NY 10007. Defendant City's confidential settlement letter and acknowledgment form are due no later than **December 3, 2024**.

As a precondition for the settlement conference scheduled for October 22, 2024, the parties were required to "conduct at least one good-faith settlement discussion, in person or by telephone" and "convey to each opposing party at least one good-faith settlement demand or offer[.]" (Dkt. 88 ¶ 2.) The Court has reviewed the confidential settlement letters submitted by plaintiff and by the individual defendants, which do not describe any settlement offer conveyed by any defendant. Consequently, it is hereby ORDERED that the parties complete the required pre-conference settlement discussions. Thereafter, but no later than **December 3, 2024**, all parties must submit a joint supplemental settlement letter to chambers (by email, addressed to Moses_NYSDChambers@nysd.uscourts.gov), confirming that they complied with this Order, providing the date and time of the discussion, and describing the terms of each party's most recent demand or offer.



Barbara Moses
United States Magistrate Judge
October 21, 2024